

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

MISC. 3:07-MC-108

**IN THE MATTER OF :
DISTRIBUTION OF STATE : ORDER
DEATH PENALTY CASES
AND FEDERAL CAPITAL CASES**

The following case assignment and case reassignment allocations will be applied throughout the district, with no consideration given to the division in which a particular death penalty case may have been filed. Unless specifically stated otherwise, these case assignment and case reassignment allocations are effective *September 17, 2007* and shall supercede all other prior orders of this Court pertaining to death penalty and federal capital cases.

1. All cases will be assigned among the active district court judges on an alternating basis between Judge Reidinger, Judge Voorhees, Chief Judge Conrad, Judge Whitney and Judge Thornburg, regardless of the division in which the case is filed or originated.
2. Case assignments will be adjusted from time to time by the Chief Judge and the other judges involved based on the particular circumstances of a given case, or the relative death penalty caseloads then being worked by all judges in the district. This assignment may be without resort to divisions of origin if the relative number of cases held by the several judges is uneven.
3. Judge Thornburg will not be assigned any case in which he has a conflict by virtue of his service as North Carolina Attorney General. Chief Judge Conrad and Judge Whitney will not be assigned any case in which they have a conflict by virtue of their service as the United States Attorney.

4. In cases of conflict of interest or other reason barring assignment the case will be randomly assigned to another eligible district judge.
5. Cases may be reassigned to another judge after consultation with the affected judge(s) and the Chief Judge of the district and without further Order of this Court.

The Clerk is directed to serve copies of this Order to all district court judges, all magistrate judges, the United States Attorney, the Chief United States Probation Officer, the United States Marshal, all deputy clerks and all court reporters.

IT IS SO ORDERED, this 17th day of September, 2007.

s/Robert J. Conrad, Jr.
Robert J. Conrad, Jr. Chief
United States District Court Judge

s/Richard L. Voorhees
Richard L. Voorhees
United States District Judge

s/LH Thornburg
Lacy H. Thornburg
United States District Judge

s/Frank D. Whitney
Frank D. Whitney
United States District Judge